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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/835,398	04/17/2001	Peter Michael Wright	08215-415001 / P03-026035	5158
26171	7590	06/03/2005	EXAMINER	
FISH & RICHARDSON P.C. P.O. BOX 1022 MINNEAPOLIS, MN 55440-1022			BONURA, TIMOTHY M	
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			2114	
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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	09/835,398	Peter Michael Wright, et al
	Examiner	Art Unit
	Tim Bonura	2114

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 09 May 2005.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-53 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) 49-53 is/are allowed.
- 6) Claim(s) 1-6,8,9,11,13-31,33,34,36 and 38-48 is/are rejected.
- 7) Claim(s) 7,10,12,32,35 and 37 is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 17 April 2001 is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 05/09/05.

- 4) Interview Summary (PTO-416)
Paper No(s)/Mail Date. _____.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: _____.

DETAILED ACTION

- **Claims 1-6, 8-9, 11, 13-31, 33-34, 36, and 38-48 are rejected under 35 U.S.C. 103(a) as being unpatentable over Carter, U.S. Patent Number 6,298,449 and further in view of Fowler, et al, U.S. Patent Number 6,714,977.**

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-6, 8-9, 11, 13-31, 33-34, 36, and 38-48 are rejected under 35 U.S.C. 103(a) as being unpatentable over Carter, U.S. Patent Number 6,298,449 and further in view of Fowler, et al, U.S. Patent Number 6,738,781.

3. Regarding claim 1:

a. Regarding the limitation of "a power system interface circuit for communicating with the power system," Carter discloses a system with a power supply controller connected to a power supply. (Items 54 and 16 in Figure 3).

b. Regarding the limitation of "a processor coupled to the power system interface circuit," Carter discloses a system that has an integrated reliability enhancement device adapted for cooperative interaction with a

host computer. (Lines 65-66 of Column 1, also see Items 54 and 60 in Figure 3).

- c. Regarding the limitation of "memory storing software instructions performed by the processor for receiving electronic mail from a remote system through a communication link and for automatically transmitting electronic mail to the remote system through the communication link," Carter teaches of a system that communicates with a power source via an SNMP message and stores them in error logs. Carter does not teach of communicating messages via email. Fowler discloses a system wherein an SNMP message can be converted into an electronic mail message. (Lines 10-15 of Column 3). It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the references of Carter with the message conversion of Fowler. It would have been obvious to one of ordinary skill because Carter discloses the need for a direct controller to LAN system connection. (Lines 16-21 of Column 3). Fowler would provide a direct connection between an equipment monitoring and network systems via email. (Lines 16-21 of Column 3 also Lines 15-18 of Column 4).
4. Regarding claim 2, Carter discloses a system wherein the SNMP messages contain information regarding operating status of power supplies. (Lines 49-53 of Column 2).
5. Regarding claim 3, Carter discloses a system wherein data representative of an event can be written to an log and an application software can be

configured to enable notification capabilities, of which include SNMP messaging.

(Lines 41-42 and 64-67 of Column 2).

6. Regarding claim 4, Carter discloses a system with failure detection of a power supply and also a system that can control a power system that can enable a secondary power source.

7. Regarding claim 5, Carter discloses a system that has a register on the integrated reliability enhancement device. The register stores data regarding specific events that can be sent via messaging. (Lines 60-63 of Column 2).

8. Regarding claim 6, Carter discloses that the register can store specific event data. (Lines 63 of Column 2).

9. Regarding claim 8, Carter discloses application software on a host computer that can process data of status from devices. (Lines 35-41 of Column 2). The status data is read from a register. The message data from the devices stored on the register contains event data. (Lines 62-63 of Column 2).

10. Regarding claim 9, Carter discloses a system with application software. (Lines 35-41 of Column 2). The application software can process SNMP messages containing information regarding operating status of power supplies. (Lines 49-53 of Column 2).

11. Regarding claim 11, Carter discloses a system with application software (Lines 35-41 of Column 2), which can process SNMP messages with commands. (Lines 63-67 of Column 2). The system allows for

12. Regarding claim 13, Fowler discloses a system that uses electronic mail to notify a manager of an event. It is inherent that the email can be written in ASCII text.

13. Regarding claim 14, Fowler discloses a system uses electronic mail to notify a manager of an event. It is inherent the email can be written in HTML text.
14. Regarding claim 15, Fowler discloses a system uses electronic mail to notify a manager of an event. It is inherent the email can be written in XML text.
15. Regarding claim 16, Fowler discloses a system uses electronic mail to notify a manager of an event. It is inherent the email can have attachments. It is also inherent that email attachments can be of any encoding type.
16. Regarding claim 17, Fowler discloses a system uses electronic mail to notify a manager of an event. It is inherent the email application can interpret an email contains an attachment.
17. Regarding claim 18, Fowler discloses a system uses electronic mail to notify a manager of an event. It is inherent the email can have attachments. It is also inherent that email attachments can be of any encoding type.
18. Regarding claim 19, Fowler discloses a system uses electronic mail to notify a manager of an event. It is inherent the email application can interpret an email contains an attachment.
19. Regarding claim 20, Fowler discloses a system uses electronic mail to notify a manager of an event. It is inherent the email application can format data so that is can be transmitted within an email.
20. Regarding claim 21, Fowler discloses a system the can send electronic mail to a remote system. (Lines 5-10 of the abstract).

21. Regarding claim 22, Carter discloses a system that transmits the data to a remote computer for viewing. (Lines 42-51 of Column 4).
22. Regarding claim 23, Fowler discloses a system that can send email with SMTP. (Lines 5-7 of the Abstract).
23. Regarding claim 24, Carter discloses a system in which temperature data of a power system is stored in memory. (Lines 12-14 of Column 5).
24. Regarding claim 25, Fowler discloses a system that has the ability to send emails, messages via web pages, and pages through a pager. (Lines 28-32 of Column 3).
25. Regarding claim 26:
 - d. Regarding the limitation of "an intelligent electronic device connected to the power system," Carter discloses a system that has an integrated reliability enhancement device adapted for cooperative interaction with a host computer. (Lines 65-66 of Column 1, also see Items 54 and 60 in Figure 3).
 - e. Regarding the limitation of "a system remote from the intelligent electronic device and connected to the intelligent electronic device through a communication link," Carter discloses a system that transmits the data to a remote computer for viewing. (Lines 42-51 of Column 4).
 - f. Regarding the limitation of "a power system interface circuit for communicating with the power system," Carter discloses a system with a power supply controller connected to a power supply. (Items 54 and 16 in Figure 3).

g. Regarding the limitation of "a processor," Carter discloses a system with a processor. (Figure 3, item 60).

h. Regarding the limitation of "memory storing software instructions performed by the processor for receiving electronic mail from a remote system through a communication link and for automatically transmitting electronic mail to the remote system through the communication link," Carter teaches of a system that communicates with a power source via an SNMP message and stores them in error logs. Carter does not teach of communicating messages via email. Fowler discloses a system wherein an SNMP message can be converted into an electronic mail message. (Lines 10-15 of Column 3). It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the references of Carter with the message conversion of Fowler. It would have been obvious to one of ordinary skill because Carter discloses the need for a direct controller to LAN system connection. (Lines 16-21 of Column 3). Fowler would provide a direct connection between an equipment monitoring and network systems via email. (Lines 16-21 of Column 3 also Lines 15-18 of Column 4).

26. Regarding claim 27, Carter discloses a system wherein the SNMP messages contain information regarding operating status of power supplies. (Lines 49-53 of Column 2).

27. Regarding claim 28, Carter discloses a system wherein data representative of an event can be written to an log and an application software

can be configured to enable notification capabilities, of which include SNMP messaging. (Lines 41-42 and 64-67 of Column 2).

28. Regarding claim 29, Carter discloses a system with failure detection of a power supply and also a system that can control a power system that can enable a secondary power source.

29. Regarding claim 30, Carter discloses a system that has a register on the integrated reliability enhancement device. The register stores data regarding specific events that can be sent via messaging. (Lines 60-63 of Column 2).

30. Regarding claim 31, Carter discloses that the register can store specific event data. (Lines 63 of Column 2).

31. Regarding claim 33, Carter discloses application software on a host computer that can process data of status from devices. (Lines 35-41 of Column 2). The status data is read from a register. The message data from the devices stored on the register contains event data. (Lines 62-63 of Column 2).

32. Regarding claim 34, Carter discloses a system with application software. (Lines 35-41 of Column 2). The application software can process SNMP messages containing information regarding operating status of power supplies. (Lines 49-53 of Column 2).

33. Regarding claim 36, Carter discloses a system with application software (Lines 35-41 of Column 2), which can process SNMP messages with commands. (Lines 63-67 of Column 2). The system allows for

34. Regarding claim 38, Fowler discloses a system that uses electronic mail to notify a manager of an event. It is inherent the email can be written in ASCII text.

35. Regarding claim 39, Fowler discloses a system uses electronic mail to notify a manager of an event. It is inherent the email can be written in HTML text.

36. Regarding claim 40, Fowler discloses a system uses electronic mail to notify a manager of an event. It is inherent the email can be written in XML text.

37. Regarding claim 41, Fowler discloses a system uses electronic mail to notify a manager of an event. It is inherent the email can have attachments. It is also inherent that email attachments can be of any encoding type.

38. Regarding claim 42, Fowler discloses a system uses electronic mail to notify a manager of an event. It is inherent the email application can interpret an email contains an attachment.

39. Regarding claim 43, Fowler discloses a system uses electronic mail to notify a manager of an event. It is inherent the email can have attachments. It is also inherent that email attachments can be of any encoding type.

40. Regarding claim 44, Fowler discloses a system uses electronic mail to notify a manager of an event. It is inherent the email application can interpret an email contains an attachment.

41. Regarding claim 45, Fowler discloses a system uses electronic mail to notify a manager of an event. It is inherent the email application can format data so that it can be transmitted within an email.

42. Regarding claim 46, Fowler discloses a system the can send electronic mail to a remote system. (Lines 5-10 of the abstract). Fowler discloses a system that can send email with SMTP. (Lines 5-7 of the Abstract).

43. Regarding claim 47, Carter discloses a system that transmits the data to a remote computer for viewing. (Lines 42-51 of Column 4).

44. Regarding claim 48:

i. Regarding the limitation of “a power system interface circuit for communicating with the power system,” Carter discloses a system with a power supply controller connected to a power supply. (Items 54 and 16 in Figure 3).

j. Regarding the limitation of “a processor coupled to the power system interface circuit,” Carter discloses a system that has an integrated reliability enhancement device adapted for cooperative interaction with a host computer. (Lines 65-66 of Column 1, also see Items 54 and 60 in Figure 3).

k. Regarding the limitation of “memory storing software instructions performed by the processor for receiving instant message from a remote system through a communication link and for automatically transmitting instant message to the remote system through the communication link,” Carter teaches of a system that communicates with a power source via an SNMP message and stores them in error logs. Carter does not teach of communicating messages via email. Fowler discloses a system wherein an electronic mail message can be converted into a SNMP message.

Fowler discloses a system that has the ability to send emails, messages via web pages, and pages through a pager. (Lines 28-32 of Column 3). It would have been obvious to one of ordinary skill in the art at the time of

the invention to combine the references of Carter with the message conversion of Fowler. It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the references of Carter with the message conversion of Fowler. It would have been obvious to one of ordinary skill because Carter discloses the need for a direct controller to LAN system connection. (Lines 16-21 of Column 3). Fowler would provide a direct connection between a power supplies and LAN systems via email. (Lines 5-9 of the abstract).

Allowable Subject Matter

45. Claims 7, 10, 12, 32, 35, 37, and 52 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
46. Claims 49-53 allowed.

Response to Arguments

47. Applicant's arguments filed 05/09/2005 have been fully considered but they are not persuasive.
48. Regarding the arguments for claim 1:
 - I. In response to applicant's argument that "Carter's computer, the combination (Carter and Fowler) would still fail to describe or suggest the Carter's computer both receives and transmits electronic mail or that Carter's LAN both receives and transmits electronic mail through a

communication link.” (Page 13 of the response, 2nd paragraph). The examiner contends that Carter does disclose this by teaching of receive a response from a user for a recovery command or reboot. (Lines 44-61 of Column 8).

49. Regarding the arguments for claim 25:

m. In response to the argument that the prior art does not “suggest a processor that receives instant messages from a remote system through a communication link through which instant messages are also transmitted,” the examiner contends that the prior art does teach this. Fowler discloses a system that has the ability to send emails, messages via web pages, and pages through a pager. (Lines 28-32 of Column 3). The examiner contends that an email and or a page via a pager are forms of instant messages. Furthermore, the applicant would like to point out that the information from webpage there were provide do not have publications dates that precede the filing date of the application. Thereby the examiner did not consider that documentation. Also the examiner would like to point out that in light of the specification (page 3 and 4), sending pages to a user’s pager is a form of messaging.

50. Regarding claim 26 refer to the response for claim 1, above.

51. Regarding claim 48 refer to the response for claim 25, above.

52. Applicant’s arguments see response to non-final rejection, filed 11/22/2004, with respect to claims 49 and 51 have been fully considered and are persuasive. The rejections of the claims have been withdrawn.

Conclusion

53. This is a continuation of applicant's earlier Application No. 09/835,398. All claims are drawn to the same invention claimed in the earlier application and could have been finally rejected on the grounds and art of record in the next Office action if they had been entered in the earlier application. Accordingly, **THIS ACTION IS MADE FINAL** even though it is a first action in this case. See MPEP § 706.07(b). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

54. A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no, however, event will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

55. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Tim Bonura**.

- o The examiner can normally be reached on **Mon-Fri: 8:30-5:00**.
- o The examiner can be reached at: **571-272-3654**.

56. If attempts to reach the examiner by telephone are unsuccessful, please contact the examiner's supervisor, **Rob Beausoliel**.

- o The supervisor can be reached on **571-272-3645**.

57. The fax phone numbers for the organization where this application or proceeding is assigned are:

- o **703-872-9306 for all patent related correspondence by FAX.**

58. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov/>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

59. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the **receptionist** whose telephone number is: **571-272-2100**.

60. Responses should be mailed to:

- o **Commissioner of Patents and Trademarks**

P.O. Box 1450

Alexandria, VA 22313-1450



NADEEM IQBAL
PRIMARY EXAMINER
tmb
May 26, 2005

Tim Bonura
Examiner
Art Unit 2114